

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION

97 OCT -1 PM 12: 57

U.S. DISTRICT COURT  
N.D. OF ALABAMA

DEXTER LEON SPINKS,

Plaintiff,

vs

OFFICER DONNIE GHEE,

Defendant.

CIVIL ACTION NO.94-PT-1949-E

*WPG*

**ENTERED**

OCT 1 - 1997

MEMORANDUM OPINION

The remaining claim in this case is the excessive force claim.<sup>1</sup> On July 18, 1996, the plaintiff filed a motion to hold this case in abeyance for sixty days so that the plaintiff, who was about to be released from prison, could obtain counsel. The court has not heard from the plaintiff since then, and the court does not have an address whereby the court can communicate with him.<sup>2</sup>

Wherefore, the excessive force claim is due to be dismissed, without prejudice, for the plaintiff's failure to prosecute this action. An appropriate order will be entered.

DONE this 1<sup>st</sup> day of October, 1997. *RB*

*Robert B. Propst*  
ROBERT B. PROPST,

UNITED STATES DISTRICT JUDGE

<sup>1</sup> The court had previously dismissed the medical treatment claim.

<sup>2</sup> The defendant, a member of the Armed Services, is in Germany, and has been since June of 1996.

*35*